

### **REMARKS**

Claims 1-32 are currently pending in the subject application and are presently under consideration. Claims 1, 9, 19, 22, 23, 25 and 30 have been amended as shown on pages 2-5 of the Reply. Additionally, claim 31 has been cancelled.

Applicants' representative appreciates the Examiner's acknowledgement that claim 31 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claims 1 and 30 have been amended to include the allowable limitations of claim 31.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

#### **I. Rejection of Claims 1-30 and 32 Under 35 U.S.C. §102(e)**

Claims 1-30 and 32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ehlers *et al.* (US 2004/0133314). Applicants' representative respectfully requests that this rejection be withdrawn for at least the following reasons. Ehlers *et al.* fails to teach or suggest all features of the claimed subject matter.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The invention as claimed relates to dynamic distributed energy management by control of loads and optimization of energy. The system is scalable as addition of new components (load controllers, computers, machines etc.) can be recognized at any time. When metered demand exceeds a threshold level, then the load controllers collaborate to decide which loads to shed and to what extent. Moreover shedding and connecting of the load is also similarly facilitated by categorization under class. Allowable dependent claim 31 discloses that members of a class are connected to the power supply together. When a load can be connected to a power supply,

connecting all of the members of the load's class helps to avoid an impractical or dangerous conditions in case the load is related to other loads that are part of a larger machine process. For example, if two liquid containers feed an inline mixing process and the pump from one of the containers is going to be connected, the pump from the other container should also be connected. Making both pumps members of a class facilitates this objective. Likewise, class membership applies to shedding loads, whereby if a load is going to be shed from the power supply all members of its class will also be shed to prevent systemwide issues. Ehlers *et al.* does not consider the consequences of shedding or adding loads that may be related to other loads under a particular class. It is silent to the fact that ***the load is a member of a class and connecting all class members if connecting the entire class would not bring the total system demand above the optimum level of machines*** as recited in allowable claim 31. Independent claims 1 and 30 have been amended to include the allowable limitations of claim 31. Independent claim 9 ( and similiary independent claims 19, and 25) have also been amended to recite *a multitude of networked load controllers associated with the plurality of machines, wherein the controllers collaborate and execute an optimization algorithm to determine how a load should be shed across the plurality of machines, wherein the load that is shed is a member of a class and all members of the class are also shed*. For the reasons disclosed above Ehlers *et al.* fails to teach this novel aspect of the claimed invention.

In view of the foregoing, applicants' representative respectfully submits that Ehlers *et al.* fails to teach or suggest all limitations of applicants' invention as recited in independent claims 1 9, 19, 25 and 30 (and claims 2-8, 10-18, 20-24, 26-29 and 31 that depend there from), and thus fails to anticipate the subject claimed invention. Accordingly, this rejection should be withdrawn.

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP327US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731